

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Evergy)
Metro, Inc. d/b/a Evergy Missouri Metro for)
Permission and Approval of a Certificate of)
Convenience and Necessity Authorizing It to) **Case No. EA-2026-0154**
Construct, Install, Own, Operate, Manage,)
Maintain, and Control a Natural Gas)
Electrical Production Facility)

ORDER DENYING REQUEST FOR PROTECTIVE ORDER

Issue Date: August 14, 2026

Effective Date: August 14, 2026

This order denies the request of Evergy Metro, Inc. d/b/a Evergy Missouri Metro (Evergy) for an artificial intelligence (AI) protective order.

Background

On July 21, 2026,¹ Evergy filed its *Motion for Protective Order and for Expedited Treatment* (Motion) requesting a Protective Order concerning disclosure of its confidential and highly-confidential information through unsecured or generative artificial intelligence (AI) tools, platforms, systems, or similar technology. Evergy requested expedited treatment of its motion.

Evergy's Motion seeks to prohibit any party, counsel, or their agents to whom confidential information is disclosed from inputting, uploading, submitting, or otherwise introducing such information into any unsecured or generative AI Tool (e.g. standard ChatGPT, Claude, Gemini, or similar platforms), including, but not limited to, the use of AI

¹ Unless otherwise noted, all dates refer to the year 2026.

meeting note takers. The Motion proposed five specific protections, which included restrictions on information retention and use as well as requiring disclosure of the AI tool being used by the recipient of the confidential information.

Responses

The Office of the Public Counsel (OPC) and the Staff of the Commission (Staff) filed responses to Evergy's Motion.

On July 31, OPC filed *Public Counsel's Response in Opposition to Evergy Metro's Motion for Protective Order* (OPC Response) objecting to the Motion. The OPC Response argued that the current Commission Rules regarding protecting confidential information, 20 CSR 4240-2.135(6)-(8), are adequate. The OPC Response argues that the rules obligate one who obtains information designated to be confidential to not disclose it – which would include publishing that information by using unsecured AI tools, platforms, systems, or similar technology.

Also on July 31, Staff filed *Staff's Response to Evergy Missouri Metro's Motion for Protective Order and for Expedited Treatment* (Staff Response) objecting to the Motion. Staff asserts the Commission's existing confidentiality rule already states the controlling obligation: every person with access to protected information must keep it secure and may neither use nor disclose it except for preparation and conduct of the proceeding. The Staff Response argues that the solution is not to curtail AI or another class of analytical tools, but to enforce the confidentiality duties that already govern both the producer and the recipient of confidential information.

The Staff Response also cited the inequality of allowing Evergy to use any AI tool it wishes but other parties' use of AI would be restricted. Staff further stated that the disclosure of the AI tool used might reveal that party's analytical methods, resource allocation, proprietary software and vendor relationships, litigation preparation methods, or work-product information.

Evergy replied on August 13, asserting that party responses recognized that AI is a current issue. Evergy's reply conceded that a duty to safeguard confidential information already exists under Commission Rule 20 CSR 4240-2.135 but argues that whether submission to an AI whose provider retains inputs, uses them for model training, or discloses them onward is consistent with that duty is a different question.

Decision

The Commission is not persuaded by the arguments set forth in Evergy's Motion or reply. The Commission finds OPC's and Staff's arguments more persuasive – the current rules restricting the dissemination of confidential information are sufficient to address any infractions with the submission of confidential information to an unsecured AI tool or analysis of confidential information by an unsecured AI tool. If Evergy believes the current Commission rule is insufficient, the appropriate way to address such an insufficiency would be in a rulemaking docket.

Therefore, the Commission will deny the Motion.

THE COMMISSION ORDERS THAT:

1. The Motion is denied.
2. This order shall be effective when issued.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Kenneth J. Seyer, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri
on this 14th day of August, 2026.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

Pursuant to 386.290, RSMo., I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 14th day of August, 2026.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 14, 2026

Case No: EA-2026-0154

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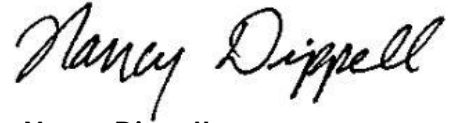
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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).¹

Sincerely,

A handwritten signature in black ink that reads "Nancy Dippell". The script is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Nancy Dippell
Secretary

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.